MONTANA LEGISLATIVE HISTORY

Chapter 411 19 1985

Bill H 186 S _____ Original bill & history ✓ C

H. Committee on Local Gov. → Jud			S. Committee on Pub Health, W & Safety		
Hearing Date(s)	1/31	C	Hearing Date(s)	3/13	C
	2/02	C		3/15	C
H. Judiciary	2/7	C			C
	2/8	C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

	RETURNED TO HOUSE WITH AMENDMENTS		
4/02	2ND READING AMENDMENTS CONCURRED	91	6
4/03	3RD READING AMENDMENTS CONCURRED	88	8
4/08	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/09	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 465 EFFECTIVE DATE: 10/01/85		

HB 185 INTRODUCED BY PISTORIA
SIGNS FOR VOCATIONAL-TECHNICAL CENTERS

1/15	INTRODUCED		
1/15	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/16	FISCAL NOTE REQUESTED		
1/21	FISCAL NOTE RECEIVED		
1/29	HEARING		
2/01	COMMITTEE REPORT-BILL DO PASS		
2/02	2ND READING PASS	49	47
2/04	3RD READING PASS	52	48
	TRANSMITTED TO SENATE		
2/07	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/14	HEARING		
3/15	COMMITTEE REPORT-BILL CONCURRED		
3/21	2ND READING INDEFINITELY POSTPONED	31	12
	RETURNED TO HOUSE		
3/27	MOTION TO REQUEST RETURN OF BILL		
	RETURNED TO SENATE		
3/30	2ND READING CONCURRED	25	15
4/01	3RD READING CONCURRED	30	17
	RETURNED TO HOUSE		
4/08	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 423 EFFECTIVE DATE: 10/01/85		

HB 186 INTRODUCED BY PISTORIA
COUNTY ORDINANCE TO CONTROL COMMUNITY DECAY

1/15	INTRODUCED		
1/15	REFERRED TO LOCAL GOVERNMENT		
1/31	HEARING		
2/04	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/05	2ND READING PASS	73	24
2/05	REREFERRED TO JUDICIARY		
2/07	HEARING		
2/08	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/11	2ND READING PASS	52	44
2/12	3RD READING PASS	53	44
	TRANSMITTED TO SENATE		
2/13	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/13	HEARING		

3/16	COMM REPORT-BILL CONCURRED AS AMENDED		
3/21	2ND READING CONCURRED	47	0
3/23	3RD READING CONCURRED	44	3
	RETURNED TO HOUSE WITH AMENDMENTS		
4/02	2ND READING AMENDMENTS CONCURRED	91	2
4/03	3RD READING AMENDMENTS CONCURRED	93	4
4/08	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/09	TRANSMITTED TO GOVERNOR		
4/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 411 EFFECTIVE DATE: 4/10/85		

HB 187 INTRODUCED BY HARPER, COHEN, ET AL.
RECOVERY OF COSTS FOR ENFORCING PUBLIC WATER SUPPLY LAW
BY REQUEST OF DEPARTMENT OF HEALTH

1/15	INTRODUCED		
1/15	REFERRED TO JUDICIARY		
1/16	FISCAL NOTE REQUESTED		
1/18	HEARING		
1/18	COMMITTEE REPORT-BILL PASS AS AMENDED		
1/22	2ND READING PASS	66	33
1/22	FISCAL NOTE RECEIVED		
1/23	3RD READING PASS	69	29
	TRANSMITTED TO SENATE		
1/24	REFERRED TO JUDICIARY		
1/25	FISCAL NOTE REQUESTED		
1/26	FISCAL NOTE RECEIVED		
3/15	HEARING		
3/25	COMM REPORT-BILL CONCURRED AS AMENDED		
3/27	2ND READING CONCURRED	50	0
3/29	3RD READING CONCURRED	47	1
	RETURNED TO HOUSE WITH AMENDMENTS		
4/02	2ND READING AMENDMENTS CONCURRED	50	46
4/03	3RD READING AMENDMENTS CONCURRED	70	25
4/08	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/09	TRANSMITTED TO GOVERNOR		
4/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 412 EFFECTIVE DATE: 4/10/85		

HB 188 INTRODUCED BY HARPER, HARRINGTON
TO INCREASE PUPIL-INSTRUCTION-RELATED DAYS FROM 7 TO 10

1/15	INTRODUCED
1/15	REFERRED TO EDUCATION & CULTURAL RESOURCES
1/16	FISCAL NOTE REQUESTED
1/22	FISCAL NOTE RECEIVED
1/23	HEARING
	DIED IN COMMITTEE

HB 189 INTRODUCED BY REAM, HAGER
HAZARDOUS WASTE TRANSPORTER AND GENERATOR RULES

HOUSE BILL NO. 186

INTRODUCED BY PISTORIA

IN THE HOUSE

January 15, 1985	Introduced and referred to Committee on Local Government.
February 4, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
February 5, 1985	Second reading, do pass.
	Segregated from Committee of the Whole report.
	On motion, taken from second reading and rereferred to Committee on Judiciary. Motion adopted.
February 8, 1985	Committee recommend bill do pass as amended. Report adopted.
February 9, 1985	Bill printed and placed on members' desks.
February 11, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 12, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.

March 16, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1985	Second reading, concurred in.
March 23, 1985	Third reading, concurred in. Ayes, 44; Noes, 3.
	Returned to House with amendments.

IN THE HOUSE

March 25, 1985	Received from Senate.
April 2, 1985	Second reading, amendments concurred in.
April 3, 1985	Third reading, amendments concurred in.
	Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 186

INTRODUCED BY Pistoria

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PASSAGE OF COUNTY ORDINANCES TO CONTROL COMMUNITY DECAY CAUSED BY ACCUMULATION OF RUBBLE FROM DEMOLITION OF STRUCTURES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definition. In [this act], "community decay" means a public nuisance created by demolition of a structure, either by human agency or by natural forces, that results in accumulation or abandonment of rubble, debris, or refuse.

Section 2. Control of community decay. (1) The governing body of a county may regulate, control, and prohibit conditions that contribute to community decay on or adjacent to any public roadway or land within the county by adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107.

(2) An ordinance adopted under subsection (1) may include time limits for removal or shielding of such conditions as considered appropriate by the governing body.

(3) Nothing in this section restricts the governing body from enacting community decay controls affecting only

portions of the county.

(4) Nothing in [this act] may be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution that is more restrictive than the provisions of [this act].

(5) Violation of an ordinance adopted under subsection (1) is a misdemeanor punishable as provided in 46-18-212.

Section 3. Effective date. This act is effective on passage and approval.

-End-

INTRODUCED BILL
HB 186

(To be kept current -- post bills when entering, being heard or leaving committee.) Form CS-32

STATUS SHEET

49th LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILLS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 160	1-12-85	1-31-85	2-16-85			STATEMENT OF INTENT 2-16-85			
HB 171	1-14-85	1-29-85	2-7-85	2-7-85					
HB 173	1-14-85	1-29-85	1-29-85	AS AMENDED 1-29-85					
HB 186	1-15-85	1-31-85	2-2-85			2-2-85			
HB 232	1-17-85	2-2-85	2-5-85			~~2-5-85~~ 2-2-85			
HB 239	1-17-85	2-2-85	2-16-85			2-16-85			
HB 53	1-17-85	2-2-85	TABLED 2-2-85						
HB 248	1-18-85	1-31-85	1-31-85	1-31-85					
HB 253	1-18-85	2-7-85	2-7-85		2-7-85				
HB 255	1-18-85	2-9-85	2-9-85		2-9-85				
HB 263	1-18-85	1-19-85 Re-referred to Business and Labor							
HB 279	1-21-85	2-5-85	2-5-85	2-5-85					
HB 299	1-21-85	2-5-85	2-5-85	2-5-85					
HB 277	1-21-85	2-7-85	2-21-85			2-21-85			
HB 328	1-22-85	2-9-85	2-9-85			2-9-85			
HB 347	1-22-85	2-5-85	2-5-85		2-5-85				

Use a separate sheet for Senate, House Bills, and Resolutions

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 31, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on January 31, 1985 at 3:15 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

Chairman Darko stated that HB 135 and HB 248 deal with the same thing.

CONSIDERATION OF HOUSE BILL NO. 248: Rep. Ted Schye of House District #18 appeared before the committee as sponsor of HB 248. He explained this bill requires 100% security deposit for local government deposits in institutions having a net worth to total assets ratio of less than 6%. The reason he is bringing this bill before the House is because some members of the school board from his home town brought it to him. Rep. Schye's written testimony is attached as exhibit 1.

PROPONENTS: Les Alke, representing the Montana Banker's Association, said this only applies to the uninsured portion, and only amounts over $100,000. He is in favor of HB 248 and urged the committee give a favorable consideration of this bill.

Nathen Tubergen, finance director from Great Falls, stated he is in favor of the bill if it has 'may' require 100%. It is important that they can require it.

OPPONENTS: Fern Hart, representing the Missoula County Treasurer's office, stated she strongly opposes this bill and presented written testimony as exhibit 2.

Charles Graveley, representing the County Treasurer's Association, stated they had not taken a firm position on this bill. However, he has received 13 or 14 phone calls, all of which have been about the number of bank failures that have occurred throughout the state and nationwide. The treasurers are responsible for all the county money that is on deposit. Only $100,000 is insured, the rest is uninsured. If this is lost the money to run the government is lost. They have great concern about the 50% being allowed to continue.

J.G. Gottfried, Toole County Commissioner, stated he does not think it is a bad bill but he is a proponent of HB 135. He further stated that he has trouble with

support of HB 160. Written testimony was passed out, exhibit 4.

Susan Spurgeon, Fergus County Treasurer, from Lewistown, stated she is working very closely with their local lending institutions. They do not get 100% participation, but most of their mobile homes have current owners. She would like to go on record as supporting HB 160.

There were no opponents to HB 160.

In closing, Rep. Grady stated that he hadn't had a chance to go over the amendments, but the theory behind the bill is good. However, it has a lot of loopholes that need to be closed up. He urged the committee to look the bill over and make up something that the treasurers can work with.

DISCUSSION OF HOUSE BILL NO. 160: Rep. Brandewie asked Mr. Graveley if the people he represents who are in favor of the bill would be willing to work with a subcommittee. Mr. Graveley stated they would be glad to work with a subcommittee or work on amendments.

Rep. Wallin addressed Susan Spurgeon of Fergus County by stating that he is an automobile dealer, and he has a lot of trouble with people transferring titles, in cash transactions. Her reply was that they are trying to get the public informed as to what the procedure is on the titles. They send out notices as soon as they get the paperwork. In cash transactions, their percentage is lacking. They do have a loss in ownership names. This bill will help because it will require the paperwork to go through their office.

Rep. Wallin asked Mr. Graveley if the bill would get people to transfer titles in cash transactions. Mr. Graveley responded by saying he thought it would help, as most people want their property titled in their name. By sending the papers directly to the Department of Motor Vehicles in Deer Lodge, this must be done through the county treasurer's office.

There being no further discussion, HB 160 was closed.

CONSIDERATION OF HOUSE BILL NO. 186: Rep. Pistoria of District 36, from Great Falls, presented this bill before the committee. This bill authorizes the governing body of a county to pass ordinances to prevent and regulate community decay created by the demolition of a structure by man or nature. Rep. Pistoria said this bill came about because of the many phone calls he has

received regarding the garbage problems in many of the counties in Montana. The state law only covers highways, so the state can't take care of the problem. What this bill asks is to allow the county commissioners to be able to adopt ordinances in the county where it fits. If it is made a state law, it will put the burden on the state to administer it. Rep. Pistoria proposed an amendment that was recommended by the Solid Waste Department of the state of Montana, which he passed to the committee members as exhibit 1. He stated this is a very good amendment and briefly went over it. He also distributed pictures and xeroxed pictures of materials piled up on highways as exhibit 2.

PROPONENTS: Jim Leiter, representing the Montana Department of Health, stated he would like to testify in support of this bill. Currently there are quite a few conditions close to the city limits that cause deterioration.

Local government is an important factor in this bill, which allows county commissioners to regulate these conditions and gives them the opportunity to take care of them effectively. In closing, he expressed the department's favor of HB 186.

Pete Frazier, environmental health coordinator with the city-county health department of Great Falls, presented written testimony in support of HB 186 (exhibit 3) and urged the committee to provide HB 186 with a DO PASS AS AMENDED recommendation.

There were no opponents to HB 186.

In closing, Rep. Pistoria stated he would like Mr. Leiter to work up a recommendation that effective date is upon passage. Rep. Gilbert asked Mr. Frazier about spot zoning, and that he didn't see any reference in the bill for spot zoning. It is not a spot zoning kind of concept. Rep. Gilbert said he had always been told that spot zoning was illegal. Mr. Frazier replied that maybe he should have used proper terminology.

Rep. Sands questioned Mr. Leiter about where he got the language for the statute, which describes allowing debris to collect as a crime. Rep. Sands used as an example that if he had a piece of property and someone comes in and throws a load of straw on it, the way the statute is written, he has committed a crime because he allowed it to happen. Mr. Leiter replied he understood the point Rep. Sands was making.

Rep. Kitselman stated he lived next door to the Montana Recycling Center, where a lot of material is accumulated in their yard. He was told that this bill would give the county commissioners the ability to decide when a property may become a possible nuisance and at that time decide if a fence must be built. Rep. Kitselman also told the committee he is involved with the Boy Scouts, and they are saving lumber and logs. Some people may see this as a nuisance. Mr. Leiter answered that the key is that local government decides what is to be done.

Rep. Brandewie asked Mr. Leiter that as this law is written, would it be safe to assume that a pile of scrap iron in a person's yard would have to be shielded if the neighbor did not like it. Mr. Leiter replied this would be the case only if the county commissioners said so.

Rep. Pistoria stated that the state has no jurisdiction, and Mr. Frazier said the county commissioners have the authority to deal with the problem in their area.

The committee then went into executive session for action on bills.

DISPOSITION OF HOUSE BILL NO. 135: Rep. Sales made the motion to DO NOT PASS HB 135, and this was seconded by Rep. Gilbert.

The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 248: Rep. Brandewie moved that HB 248 DO PASS. This was seconded by Rep. Wallin. Question was called for and motion PASSED UNANIMOUSLY.

It was decided to wait to take action on HB 186. Rep. Pistoria was asked to have amendments ready for the Saturday, February 2, 1985 meeting.

House Bill No. 160 was sent to Subcommittee, with Rep.Brandewie as Chairman, and Rep. Gilbert, Rep. Fritz, and Rep. Hansen serving on the committee.

There being no further business before the committee the meeting was adjourned at 5:00 p.m.

Rep. Paula Darko
PAULA DARKO, Chairman

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-31-85

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓		
Dave Brown	✓		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

Please attach to minutes.

HB 186

ORIGINAL EXHIBITS OF FOLLOWING PICTURES ARE HOUSED AT HISTORICAL SOCIETY

Original

Taken - Thur - May 10, 1984 on Nine Mell Road
to Dump - GF. Falls, Paul D. Pistoria

Exhibit 2
HB 186
1-31-85
Rep. Pistoria

Road

BEST COPY
AVAILABLE

Tribune-Times, May 10, 1984 on wire Mill Road
to Deep Falls - Paul L. Pistoria

BEST COPY
AVAILABLE

Taken - Thur. May 10, 1984, on wire mill Road
to Dump 22. Falls - Park & Pictures

BEST COPY
AVAILABL

Road

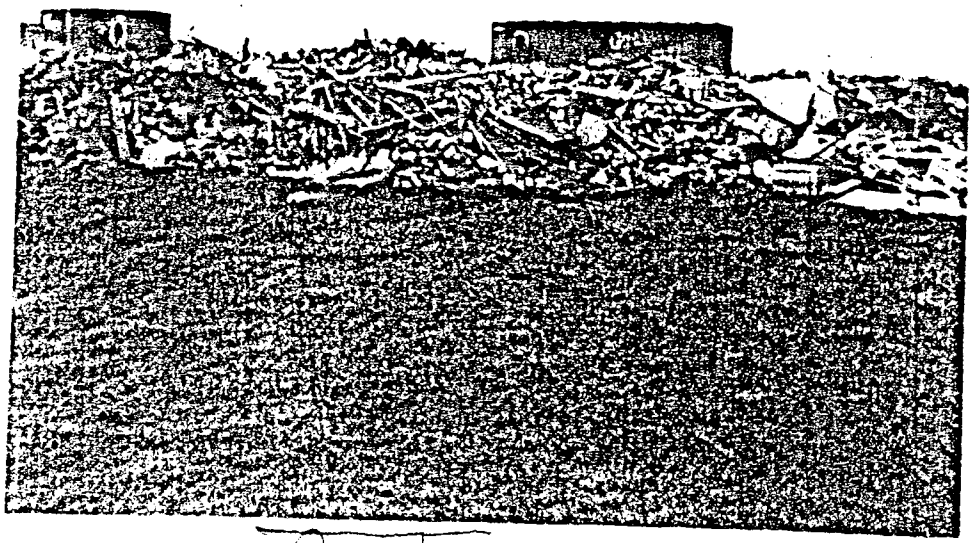
Taken - Thur - May 10, 1984 on Cuise Mill Road
to Dump - St. Falls - Paul L. Pistoria

BEST COPY
AVAILABL

Road

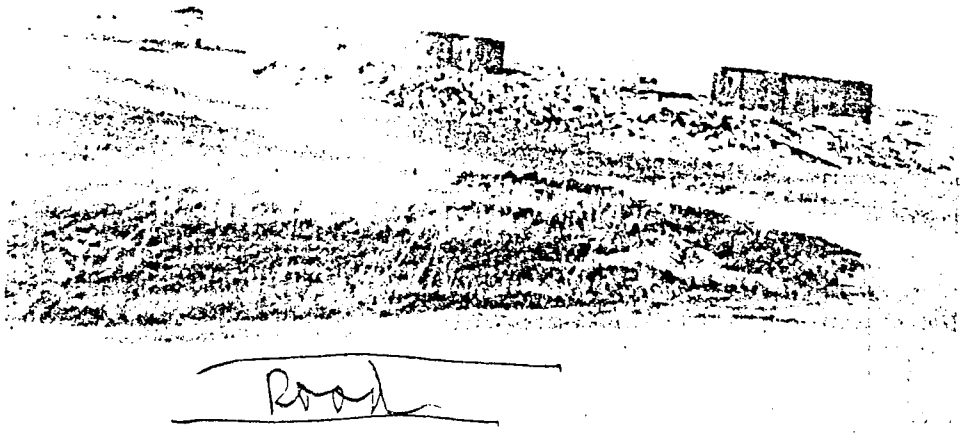
Taken on tour - May 10, 1984 on Wire Mill Road to Jump St. Falls. Paul Z. Pistoria

BEST COPY
AVAILABLE



Road

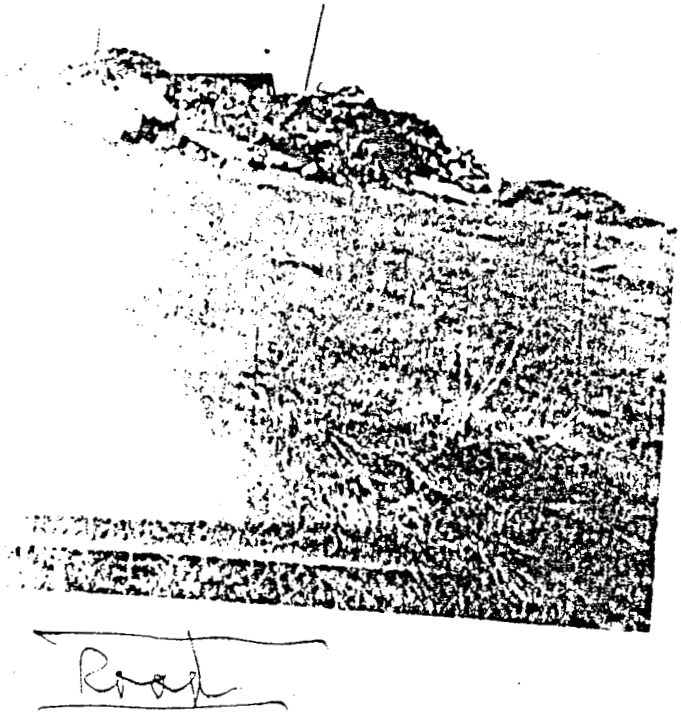
Taken Thurs. May 10, 1984. on Wire Mill Road
to Dumps Lt. Falls - Paul L. Pistoria



BEST COPY
AVAILABLE

Taken Thurs. May 10, 1984 on Mill Road to Stumps Lt. Falls - Paul D. Pistorio

BEST COPY
AVAILABLE



Road

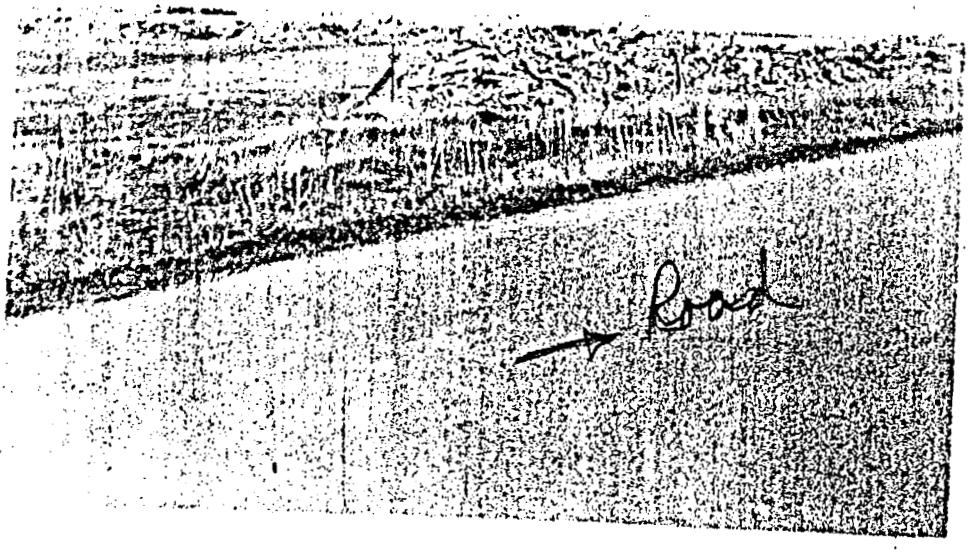
Taken - Thur - May 10, 1984 on our way
to Deerings - LL. Falls - Park St. Victoria

BEST COPY
AVAILABLE

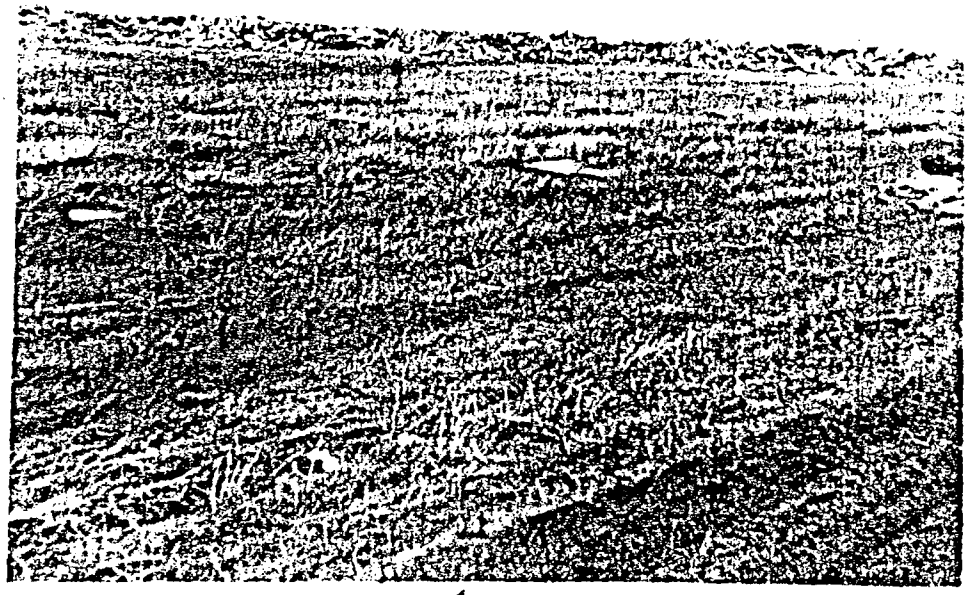
Road

Taken Thurs - May 10, 1984 on wire Mill Road to Lamps - Ft. Falls - Paul St. Pistoria

BEST COPY
AVAILABLE



Taken - Thur - May 10, 1984 on Weir Hill Road
to Dump - Mt. Falls. Paul S. Pistoria



Barrel Pile
of Road

BEST COPY
AVAILABLE

Taken - Thur - May 10, 1984 on wire Road to Dump - Ft. Falls - Paul A. Pistoria

A.C.M. Wire Mill Bldg.

Concrete Blocks & Chunks

Road

BEST COPY AVAILABLE

Taken - Thur - May 10, 1984 on the wire Mill R[illegible]
to Dump - St. Falls - Paul St. Pistoria

BEST CO
AVAILA

K TRIBUNE - FIL - May 15 1986 - Page 2 - Box 1

Old straw raises stink

Spoiled straw from the State Fair horse barns is being dumped on private land near the Wire Mill Road at the north edge of Black Eagle, and complaints about the deliveries were discussed at Thurday's county Fair Board meeting.

Rep. Paul Pistoria, D-Great Falls, told Cascade County commissioners and the State Fair Board this week he is concerned about the accumulation of straw from the county fairgrounds at the Wire Mill road site. Along with unsightly old brick and concrete piles in the area, the manure-laced straw is an eyesore and a fire hazard, he said.

Commissioner Jack Whitaker suggested Pistoria take the complaint to the Fair Board. which Pistoria Thursday.

Bill Chiesa, State Fair manager, said the fair board has a $22,500 contract with Mark Forester, a hauler. for disposal of the straw during the March to August racing season.

He has hauled three or four truckloads a day to a site near the Anaconda Co. Wire Mill on leased ground where the owner requested the straw, Chiesa said.

Chiesa said later that Forester expects to make his last haul to the site on Friday.

Chiesa said a big problem for him in disposing of the straw is that city land-fill dump regulations won't allow straw there, because it is considered a fire hazard.

Chiesa said that for about eight years until last year, the Big Sky Horse Racing Association oversaw disposal of straw during the racing season as part of its rent for the county fairgrounds. Straw has been sent to areas such as the Bootlegger Trail farms, he said.

Last year, the fair board took over management of racing at the fairgrounds, and took on the straw-disposal problem as part of its overseeing responsibilities.

Forester submitted a low bid of $22,500 for this season's delivery.

Pistoria said he has heard complaints from several Black Eagle residents about the straw.

The area is a "terrible sight," Pistoria told the Fair Board, adding, "I don't feel that it is your fault."

Chiesa said the health department here inspected the property and didn't find the straw to be a health hazard. But the deliveries to the Black Eagle area are expected to stop today.

The next spot likely will be a Bootlegger Trail farm, Chiesa said.

BEST COPY AVAILABLE

25

EXHIBIT 5
HB 186
1-31-85
Rep. Pistoria

TESTIMONY ON HB 186

MR. CHAIRMAN AND COMMITTEE MEMBERS, MY NAME IS PETE FRAZIER. I AM CURRENTLY THE ENVIRONMENTAL HEALTH COORDINATOR WITH THE CITY-COUNTY HEALTH DEPARTMENT IN GREAT FALLS. I HAVE BEEN A PUBLIC HEALTH SANITARIAN WITH THIS DEPARTMENT FOR THE PAST 13½ YEARS.

EVERY YEAR, OUR DEPARTMENT RECEIVES SEVERAL COMPLAINTS CONCERNING RUBBLE AND DEMOLITION MATERIAL, SUCH AS BRICKS, WOOD, STRAW, METAL STOCK PILES, ETC., THAT IS BEING DUMPED OR STORED IN VARIOUS AREAS THROUGHOUT THE COUNTY. USUALLY, THESE AREAS ARE WITHIN THE CITY OF GREAT FALLS OR IN AREAS JUST OUTSIDE THE CITY LIMITS OF GREAT FALLS. SHOULD THE PROBLEM EXIST WITHIN THE CITY LIMITS, THEY CAN BE, AND ARE, CORRECTED UNDER CITY BUILDING INSPECTOR AND CITY ORDINANCES. HOWEVER, IF THEY EXIST OUTSIDE THE CITY LIMITS, NO SUCH ORDINANCES ARE AVAILABLE FOR USE IN RECTIFYING THE PROBLEM.

IN ADDITION, IN MOST, IF NOT ALL THE CASES, THE MATERIAL IN QUESTION IS NOT ACTUALLY BEING DISPOSED OF, BUT INSTEAD, IT IS SUPPOSEDLY BEING STORED FOR SOME "BENEFICIAL USE" - BRICKS STORED FOR CLEANING AND RESALE, STRAW BEING USED FOR A SOIL CONDITION, METAL BEING STORED FOR SALE AT A RECYCLING CENTER, ETC. IF, IN FACT, THE MATERIAL IN QUESTION IS NOT ACTUALLY BEING DISCARDED OR DISPOSED OF, UNDER THE STATE SOLID WASTE LAWS IT IS NOT CONSIDERED "SOLID WASTE" AND, THEREFORE, ENFORCEMENT CANNOT BE TAKEN UNDER THE SOLID WASTE LAWS. IN MOST CASES, SUCH PROBLEMS ARE NOT "PUBLIC HEALTH" PROBLEMS. HOWEVER, SUCH MATERIAL BEING STORED IN MANY AREAS CERTAINLY IS AN ESTHETICAL PROBLEM AND AN "EYE SORE" TO AREA RESIDENTS WHO MUST DRIVE PAST THESE AREAS EVERY DAY, AND MAY AFFECT PROPERTY VALUES OF ADJOINING PROPERTY. THEREFORE, A MECHANISM TO HANDLE SUCH PROBLEMS IS NECESSARY. HB 186 PROVIDES SUCH A MECHANISM BY PROVIDING COUNTY COMMISSIONERS THE AUTHORITY TO PASS AN ORDINANCE TO CONTROL THESE

BEST COPY AVAILABLE

PROBLEMS IN SPECIFIC AREAS OF COUNTIES. SINCE THESE PROBLEMS ARE AITUALLY A "LAND USE" TYPE OF PROBLEM RATHER THAN A PUBLIC HEALTH SITUATION, AND BECAUSE HB 186 REFERS TO A "SPOT ZONING" TYPE CONCEPT IN SECTION 3 OF THE BILL, IT WOULD APPEAR THAT SUCH AN ORDINANCE WOULD BE MORE READILY ENFORCED BY COUNTY ZONING AND/OR PLANNING EFFORTS. THIS MECHANISM WOULD ASSURE THE CITIZEN DUE PROCESS THROUGH TRADITIONAL PUBLIC NOTICES, HEARINGS, AND APPEAL PROCEDURES THAT ARE ROUTINELY USED BY LAND USE PLANNING PROFESSIONALS. THEREFORE, TO CARRY THROUGH WITH THE "SPOT ZONING" CONCEPT WITHIN THE BILL, POSSIBLY A STATEMENT SHOULD BE ADDED AFTER THE WORD "ORDINANCE" ON LINE 19 STATING, "TO BE ADMINISTERED AND ENFORCED BY THE COUNTY ZONING AND/OR PLANNING PERSONNEL."

WITH REGARD TO SECTION 5 CONCERNING A "MISDEMEANOR PUNISHMENT," IT HAS BEEN OUR EXPERIENCE THAT, AT TIMES, A FINE IS NOT ENOUGH TO ABATE A PROBLEM, UNLESS THE FINE IS IMPOSED FOR EACH DAY THE VIOLATION OCCURS. SOMETIMES THE MISDEMEANOR FINE IS PAID, YET THE PROBLEM REMAINS UNABATED AND ENFORCEMENT PROCEDURES MUST BE STARTED ALL OVER AGAIN. THEREFORE, IN ORDER TO PROVIDE A MEANS FOR ABATEMENT OF A SERIOUS "COMMUNITY DECAY" PROBLEM IN WHICH THE PROPERTY OWNER REFUSES TO ACT, AUTHORITY SHOULD BE GIVEN TO THE COUNTY TO EITHER CONTRACT FOR THE REMOVAL OF THE OFFENDING MATERIAL OR REMOVE THE MATERIAL THEMSELVES, AFTER PROPER NOTICE AND HEARING, AND PLACE THE COST FOR SUCH REMOVAL UPON THE PROPERTY OWNER'S TAXES AS A LIEN ON SAID PROPERTY. THIS WOULD BE CONSISTENT WITH MANY CITY ORDINANCES NOW IN EFFECT FOR REMOVAL OF CONDEMNED BUILDINGS, UNCUT WEEDS, ETC.

IN CONCLUSION, WE WOULD URGE THE COMMITTEE TO PROVIDE HB 186, AS AMENDED, WITH A "DO PASS" RECOMMENDATION.

THANK YOU.

MISSOULA COUNTY
BOARD OF COUNTY COMMISSIONERS
• Missoula County Courthouse • Missoula, Montana 59802
(406) 721-5700

MEMORANDUM

BCC-85-057
January 29, 1985

TO: MEMBERS, HOUSE LOCAL GOVERNMENT COMMITTEE

FROM: HOWARD SCHWARTZ, EXECUTIVE OFFICER
MISSOULA COUNTY

RE: COMMENTS ON HB-135, HB-248 and HB-186

On behalf of the Missoula County Commissioners, I would like to enter the following comments for the record on bills being heard on January 31, 1985:

HB-135

We support this bill, which would allow County Treasurers to negotiate greater security for County investments. While not all investments need to be secured by pledged securities, there are many cases when more than 50% security is needed. Since present law allows banks to secure County investments with such investment instruments as mortgages, while then turning around and investing money on deposit from the County in virtually totally secure instruments, such as U.S. Treasury Notes, Ginnie Mae's and Fannie Mae's, it is only reasonable for banks to secure all of County investments. Clearly, it would be preferable for counties to invest directly in these types of Federal securities, but since present law requires counties to invest through banks, counties should be able to negotiate 100% pledging on them.

HB-248

HB-248, by contrast, would offer no real improvement over the current situation, since all Missoula banks, for example, fall outside of the threshold set forth in the bill.

HB-186

This seems to be a useful addition to our power to control rubbish in counties. An amendment to the bill to extend its coverage to all kinds of litter and unsightly rubbish would make the bill even more useful.

HS/ls

cc: Fern Hart, Missoula County Clerk & Recorder/Treasurer
Gordon Morris, Executive Director, MACo
Board of County Commissioners

WITNESS STATEMENT

NAME Pete Frazier BILL NO. 186

ADDRESS 3305 17th Ave S - GT Falls DATE 1-31-85

WHOM DO YOU REPRESENT? City - Co. Health Dept

SUPPORT ✓ OPPOSE _____ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

Name Jim Lochrie Date 1/31/05

Address E. Helena, MT Support ? ✓

Representing Mont. Dept. of Health Oppose ? _____

Which Bill ? HB186 Amend ? _____

Comments:

Please leave prepared statement with the committee secretary.

VISITOR'S REGISTER

HOUSE Local Government COMMITTEE

BILL HB 186 DATE Jan. 31, 1985

SPONSOR Rep. Pistoria

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Jim Lester	Helena, MT	Mont. Dept. of Health	✓	
PETE FRAZIER	GT FALLS, MT	City-Co. Health Dept	✓	
TODD HULAK		MT. ASSN. OF COUNTIES		—
[redacted]	[redacted]	[redacted]	✓	
Paul G. Pistoria	GT Falls	State Rep (SPONSOR)	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 2, 1985

The meeting of the Local Government Committee was called to order by Chairman Paula Darko on Feburary 2, 1985 on adjournment, at 11:45 a.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present.

Preceding the public hearing, Chairman Darko informed the committee that all bills in our committee have to be scheduled by February 16. Therefore, we will be hearing 5 or 6 bills per day and they might go as high as 8 or 9 bills per day. They are not easy bills to hear so the committee will have to work efficiently and she suggested the questions be brief, and limiting testimony and questions.

Rep. Brown stated he is not a proponent of limiting testimony and questions.

CONSIDERATION OF HOUSE BILL NO. 53: Rep. Hannah, District 86, appeared before the committee as sponsor of HB 53. This bill limits the consent to annex to signers of the consent. Rep. Hannah said this bill has been a real problem for him. When it was drafted, he gave inaccurate information to the bill drafters; therefore, it needs some extensive amendments. He has asked for another bill to be drafted. He recommended that this bill be tabled, as he does not support it the way it is written.

PROPONENTS: There were no proponents to HB 53, and no opponents came forward.

DISCUSSION OF HOUSE BILL NO. 53: Chairman Darko asked Rep. Hannah if he had a bill in drafting similar to this one. Rep. Hannah replied that he would prefer this bill be tabled. A person who owns a lot is required to sign a waiver which will waive his right to protest in the future, and Rep. Hannah does not think this is appropriate. He said he would be more comfortable if this bill were tabled.

Rep. Wallin asked if a person has already signed a waiver of protest for SID, would it be not valid if this bill is passed as it is. Rep. Hannah replied that it could be backed out of.

DISPOSITION OF HOUSE BILL NO. 186: This was Rep. Pistoria's bill and it was heard on Thursday. He had amendments prepared by Jim Leiter of the Solid Waste Department and Lee Heiman, Committee Counsel.

Rep. Pistoria moved to DO PASS HB 186, and this was seconded by Rep. Kadas. Rep. Pistoria said the amendments he offered before are going to be used again.

Rep. Pistoria moved to amend #4, and this was seconded by Rep. Hansen. The motion passed unanimously. Rep. Pistoria moved to amend #1, and this was seconded by Rep. Fritz. Lee Heiman explained that this just conforms the title.

Rep. Pistoria made the motion that amendment 1 and 2 be in one motion. The motion passed, but was opposed by Rep. Kitselman and Rep. Brandewie. Rep. Pistoria made the motion to amend #3, and this was seconded by Rep. Fritz. The motion to amend #3 passed unanimously.

Rep. Pistoria moved that HB 186 DO PASS AS AMENDED, and this was seconded by Rep. Brown. Rep. Pistoria wanted to emphasize this is "may", not a "shall", and only for a county. It is not going to cost anything to the state; that it is better to have it at a local level than the state level.

Rep. Brandewie questioned the whole thing, that by looking at the title, it doesn't have any relationship to what the title was before.

Rep. Sands stated he thought there was a real problem with making the violation a criminal offense. To make this a crime is unconstitutional because it is too vague. He said that as he understands it, before you commit a crime, some kind of criminal intent has to be shown. In this you may not want or mean to do anything.

Rep. Sands moved to amend the bill to strike the portion that makes it a crime. This was seconded by Rep. Sales. Rep. Pistoria said he was happy that Rep. Sands brought this out, and said he thought this was a good amendment. Question was called and the amendment PASSED UNANIMOUSLY.

Rep. Pistoria then moved that HB 186 DO PASS AS AMENDED, and this was seconded by Rep. Brown. Question being called, the motion PASSED on a 11 to 3 Roll Call Vote, which is attached as exhibit 1.

CS-34

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 2, 1985

NAME	PRESENT	ABSENT	EXCUSED
Paula Darko, Chairman	✓		
Norm Wallin, Vice Chairman	✓		
Ray Brandewie	✓		
Dave Brown	✓		
Harry Fritz	✓		
Stella Jean Hansen	✓		
Bob Gilbert	✓		
Mike Kadas	✓		
Les Kitselman	✓		
Paul Pistoria	✓		
Bing Poff	✓		
Walter Sales	✓		
Jack Sands	✓		
Dean Switzer	✓		

Please attach to minutes.

34

STANDING COMMITTEE REPORT

February 2, 19 85

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 186

FIRST reading copy (WHITE color)

COUNTY ORDINANCE TO CONTROL COMMUNITY DECAY

Respectfully report as follows: That HOUSE Bill No. 186

BE AMENDED AS FOLLOWS:

1. Title, line 6.
Following: "RUBBLE"
Strike: "FROM DEMOLITION OF STRUCTURES"

2. Page 1, lines 11 through 14.
Following: "by"
Strike: "the remainder of section 1 in its entirety"
Insert: "allowing rubble, debris, junk, or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property."

~~AND AS AMENDED,~~
~~XXXXXXX~~
~~DO PASS~~

CONTINUED ON PAGE 2

BEST COPY AVAILABLE

Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

February 2, 19 85

3. Page 1, line 18.
Strike: "or land"

4. Page 2, line 6.
Following: "(5)"
Strike: the remainder of subsection (5) in its entirety
Insert: "For the purposes of enforcing an ordinance adopted under subsection (1) the county governing body may provide that, after giving due notice of violation and upon the failure of the property owner to comply with the ordinance, officers and employees of the county may enter upon the property for the specific purpose of abating the violation of the ordinance and may assess the property owner for the actual costs for the abatement. Nonpayment of such an assessment becomes a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes is enforced."

PCSHB186.24

BEST COPY AVAILABLE

2/4
AND AS AMENDED,
DO PASS

Paula Darko, Chairman.

STATE PUB. CO.
Helena, Mont.

34

Exh. 6, pt 1
HB 186
2-2-85
Rep. Pis

(Type in committee name, committee members' names, and names of secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

HOUSE COMMITTEE LOCAL GOVERNMENT

DATE 2-2-85 HOUSE Bill No. 186 Time

NAME	YES	NO
Darko, Paula - Chairman	✓	
Wallin, Norm - Vice Chairman	✓	
Brandewie, Ray		✓
Brown, Dave	✓	
Fritz, Harry	✓	
Hansen, Stella Jean	✓	
Gilbert, Bob		✓
Kadas, Mike	✓	
Kitselman, Les		✓
Pistoria, Paul	✓	
Poff, Bing	✓	
Sales, Walter	✓	
Sands, Jack	✓	
Switzer, Dean	✓	
	11	3

Marianne Bagley
Secretary

Paula Darko
Chairman

Motion: Do Pass As Amended

(Include enough information on motion -- put with yellow copy of committee report.)

CS-31

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

FORTY-NINTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 681	2/5/85	2/8/85 2/7/85	2/8/85			2/8/85			
HB 186	2/5/85	2/7/85 2/8/85	2/8/85			2/8/85			
HB 686	2/6/85	2/22/85 2/23/85	2/23/85			2/23/85			
HB 700	2/7/85	2/18/85	2/18/85			2/18/85			
HB 706	2/7/85	2/18/85	2/18/85	2/18/85					
HB 710	2/7/85	2/18/85	2/18/85			2/18/85			
HB 712	2/7/85	2/18/85	2/18/85			2/18/85			
HB 714	2/7/85	2/18/85 2/20/85	(Tabled 2/20/85)		(Sent out to floor 2/25/85)				
HB 341	2/7/85	2/16/85 (re-referred)	2/16/85	2/16/85					
HB 717	2/8/85	2/19/85	2/19/85			2/19/85			
HB 722	2/8/85	2/19/85	2/19/85			2/19/85			
HB 726	2/8/85	2/19/85	2/19/85	2/19/85					
HB 447	2/8/85	(referred back to committee) 2/18/85				2/18/85			
HB 738	2/9/85	2/19/85	2/19/85			2/19/85			
HB 742	2/9/85	2/19/85	2/19/85		2/19/85				
HB 744	2/9/85	2/20/85	2/20/85	2/20/85					

Use separate sh[illegible] for

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 7, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Thursday, February 7, 1985 at 8:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 502: Rep. Addy, District #94, chief sponsor of the bill, testified on behalf of it. Rep. Addy said this bill raises the question of the right to privacy. This bill would provide the selective service access to the driver's license record (which includes name, the address, birth date and social security number) of every male who was born in years of individuals who should now be registered with the selective service. It is a registration bill. He feels as long as there is a selective service, it should be a fair system. So long as only a part of those who should be registered are registered, then the remainder of the people who have registered at the post office are prejudiced. Rep. Addy likened this to the lottery in reverse.

Rep. Addy said the question has been raised whether or not this constitutes an invasion of privacy under article 2, section 10 of the Montana Constitution. Rep. Addy doesn't feel there is any invasion of privacy whatsoever to the extent that the process would not divulge any information not already required of those men who comply with the law.

The privacy provision of the Montana Constitution includes an exception if a "compelling state interest" is involved. If there is a compelling state interest to register the first person, then there is a compelling state interest to register all people who are subject to the provisions of the military Selective Service Act. He finds it difficult to think of a state interest that is more compelling than national defense.

Rep. Addy asked the committee to try to separate the issue of fairness and privacy from opposition to the draft itself.

George Christianson, a reserve officer for the state, testified in support of the bill. He said he looks at this bill as primarily a public information program. He said the Selective Service finds the shortfalls in registration

Hearing on HB 467 closed.

CONSIDERATION OF HOUSE BILL NO. 186: Rep. Paul Pistoria, District #36, testified in support of his bill. House Bill 186 was originally referred out of the Local Government Committee, passed second reading on the floor, and re-referred to Judiciary. This bill is an act to allow passage of county ordinance to control community decay caused by accumulation of rubble. He said that it has never been clarified in state law where the counties have the opportunity to do something with junk, debris, etc..

Rep. Jack Sands testified in support of the bill. He said he serves on the Local Government Committee, and he shared some of the comments the members of that particular committee with regards to this bill. He said even though the language is broad in its scope, that language was taken from the general nuisance statute. He said the language used in this bill is narrower than the language used in the general nuisance statute. This bill would provide a more useful definition of what a nuisance is than is contained in the general nuisance statute. It simply provides a mechanism which would notify the offender.

Jim Leiter, representing the Solid Waste Division of the Department of Health, testified and submitted written testimony which was marked Exhibit C and attached hereto.

There being no further proponents or opponents, Rep. Pistoria closed. He submitted some pictures of areas around Great Falls which reveal problems in this dealing with this subject.

Rep. Keyser stated that even though he likes the intent of the bill, he feels that the language is broad. He asked Mr. Leiter what kind of "health conditions" the bill is dealing with. Mr. Leiter said it could involve a number of situations such as conditions that cause an odor problem, rodent attractions, skunks, dogs, flies, etc.. Rep. Keyser feels that the "comfortable enjoyment" language is very broad. Rep. Sands said the possible scope of what a nuisance is, is so broad. However, he again pointed out that the language used in the bill is narrower than the language used in the general nuisance statute.

Rep. Mercer said that his biggest concern with the bill is the fact that counties would be given more authority. He suggested that counties themselves define the word "nuisance." Rep. Sands responded by saying the scope of the bill would be expanded. In response to another question asked by Rep. Mercer, Rep. Pistoria said that he doesn't think counties and cities have a different definition of "nuisance". Rep.

Pistoria also added that he wanted to do this with the least amount of restriction as possible.

There were other general questions of the committee; however, Chairman Hannah pointed out that due to the limitation of time, all further questions will be handled during executive session.

CONSIDERATION OF HOUSE BILL NO. 619: Rep. Sands, District #90, testified in support of the bill as its sponsor. Rep. Sands stated that this bill was introduced on request of a justice of the peace in his area. The basic purpose of the bill is to say in justice court, before default can be entered, the plaintiff must file a motion that the default be entered. There are two reasons for doing so. The justice of the peace doesn't want to be in the business of taking positive action to resolve cases. If someone hasn't met their time limit and they are in default for not having answered the complaint, it should be the obligation of that party to come in, notify the justice of the peace, and take the appropriate action. The justices of the peace have said that it creates a tremendous administrative burden for them to try to keep track of all these cases and for them to enter the default. Rep. Sands said the other reason why this bill is desirable is that it tracks the kinds of procedures that are used in district court. It would get the justice of the peace court out of the business of managing the caseload.

Jim Jensen, representing the Montana Magistrate's Association, wished to go on record as supporting this bill.

There were no further proponents or opponents, and Rep. Sands closed. Rep. Sands pointed out that the justice of the peace rules of procedure deal with this matter. He said the legislature does not have the authority to amend the rules of procedure. The floor was opened to questions.

In response to a question from Rep. Keyser, Rep. Sands stated that defendants have the recourse to set aside a default action and continue accordingly.

Rep. Eudaily questioned whether this requires rule-making authority on the part of the justice of the peace department in order to implement it into Rule 12. Rep. Sands responded by saying he didn't think so.

There being no further questions, hearing closed on HB 619.

CONSIDERATION OF HOUSE BILL NO. 547: Chief sponsor, Joan Miles, District #45, testified in support of the bill. She said this bill amends Chapter 5 of Title 45 which deals with sexual offenses against a person. The bill makes two changes in this chapter. On page 1, line 19, the new language, "or both" is added. This amends the sexual assault statute to provide for the possibility of a jail term, a

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-7-85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

EXHIBIT C
2/7/85
HB 186

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

Solid & Hazardous Waste Bureau
Telephone:444-2821

HELENA, MONTANA 59620

MEMORANDUM

TO: House Judiciary Committee
FROM: Jim Leiter, Solid & Hazardous Waste Bureau
DATE: February 6, 1985
SUBJECT: HB186

I) Why do counties need this bill?

A) Problems with existing legislation.
1) Cities have broad authority for local control.
2) Counties are restricted by existing nuisance bill.

B) Problems with existing nuisance statutes.
1) Extremely vague; meant to be a catch-all and so becomes difficult to enforce.
2) County attorney extremely reluctant to accept case for prosecution.
a) Other more important priorities.
b) Citizen involvement for proof of case difficult to obtain.
c) Vague nature of statutes means it is difficult to prosecute--ex. degradation of property values.
3) Court record for enforcement has been poor. "Safe area" for judges becomes "prove public health impact"; difficult to do.

II) Strong points of HB186

A) Addresses deterioration of fringe areas outside city limits.

B) Addresses areas needing control that are currently excluded from other statutes such as the Montana Solid Waste Management Act.

C) Local control an asset.

D) Optional nature of bill allows a great deal of flexibility.
1) May require screening or removal.
2) May be implemented in certain areas of county needing stabilization.

publications & graphics

AN EQUAL OPPORTUNITY EMPLOYER

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. 467; 502; 547; 619; ~~664; 656; 681; 186~~ DATE February 7, 1985

SPONSOR _____ (PLEASE STATE THE BILL # INTERESTED IN)

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Cummins Robert	Helena #502	✓	
Jim Jensen	Magistrates Ass'n.	619	
Paul V Pestoria. State Rep	Gt. Falls	H.B. 186	
S Jean	Helena		
Jeri Ledge	Helena	✓HB186	
Duane Alberts	Helena	HB186	
Gail Kline (WLF)	~~Helena~~ Gt. Falls	HB 547	
Richard Moeller	Msla	~~HB~~	
Mike Meloy	HLN	HB681	
B. Allistone	Helena	~~HB~~	HB664
K Gillespie	Helena	HB 502	
Mike McGrath	"	~~HB~~ 547	
Bonnie Evans. PLC.	Helena	~~HB502~~	HB502
Roland D Pratt	Helena		HB681
Juanita Kajkowski	Deer Lodge, Mt.	HB467	
Ellen Robbins	Helena		HB467
Bruce W. Green	Helena		HB664
Chad Smith	Mont Hosp Ass'n Helena	HB681	
David E. Engstrom	Helena		HB664

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 8, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Friday, February 8, 1985 at 8:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 622: Rep. Bob Thoft, House District #63, sponsor of the bill, testified in support of it. He said this is an act to delete as an element of the offense of issuing a bad check the requirement that it be done with the purpose of obtaining control over property or to secure property, labor, or services of another.

There being no further proponents or opponents, Rep. Thoft closed. It was brought out in brief discussion that HB 341 which was previously considered by the committee deals with the same statute.

CONSIDERATION OF HOUSE BILL NO. 667: Rep. Gene Donaldson, District No. 43, chief sponsor of the bill, appeared and offered testimony on its behalf. Rep. Donaldson stated this bill arose out of the county's concern that they are unable to provide adequate detention facilities for juveniles.

Steve Nelson, Chief of the Juvenile Justice Bureau for the Department of Justice, appeared and offered testimony in support of this bill. He submitted a written statement which reveals statistics prepared by the Montana Board of Crime Control outlining the present situation on this issue. The attachment was marked Exhibit A. He feels that Mountain View School may meet the needs of 60% of the juvenile jail population. He said that it would be a low cost temporary solution to the problem of providing facilities that meet the nationally accepted standards. It may prove to be a long term solution, and it will certainly allow time for planning and exploring additional alternatives.

Harold Hanser from Billings, Montana, appeared and offered testimony in support of the bill. He said it will at least provide counties immediate relief with trying to address the juvenile detention issue.

Richard Meeker, chief probation officer for the county of Lewis and Clark, stated his support for the bill. He stated

Jo Anne Peterson, legislative intern for the Montana Education Association, testified in support of this bill. She said that according to a 1984 article in Junior Scholastic, strangers take away an estimated 50,000 children a year. She gave examples of the lenient sentences some of these kidnappers receive when they are caught and convicted. A copy of her testimony was marked as Exhibit D and is attached hereto.

There were no further proponents or opponents, and Rep. Kadas closed.

Rep. Keyser wanted to know if this bill affects divorced fathers. Rep. Kadas said that it would.

In response to a question of Rep. Hannah's on what the intent of the bill is, Rep. Kadas said it is primarily geared to deal with other circumstances instead of custodial interference.

Hearing closed on HB 575.

CONSIDERATION OF HOUSE BILL NO. 600: Rep. Mercer, District #50, chief sponsor of the bill, said this is an act to include out-of-state convictions for driving under the influence of alcohol or drugs and driving with excessive blood alcohol concentration. He said the bill is aimed at multiple offenders.

Larry Majerus, administrator from the Motor Vehicle Division of the Department of Justice, appeared and testified before the committee.

There were no further proponents or opponents, and Rep. Mercer closed.

Rep. Montayne asked if an out-of-state driver's license is suspended in Montana, will it be suspended in the state he resides in? Mr. Majerus said his driving privileges would be suspended in Montana, and the division would also report his suspension to his home state.

Hearing closed on HB 600 and the committee went into executive session at 10:10 a.m.

ACTION ON HOUSE BILL NO. 186: Rep. Brown moved that HB 186 DO PASS. The motion was seconded by Rep. Darko and discussed. Rep. Brown feels this bill is in good shape and provides flexibility to counties.

Rep. Keyser moved to amend on page 1, line 16 following "SENSES" to strike the rest of the language on lines 17 through 18. Also, he wishes to insert on line 16 following "INDECENT" the word "OR". The motion was seconded by Rep. Brown. Rep. Keyser feels this language is indefinable and too broad.

Rep. Addy stated his opposition to the amendment. He feels that by eliminating this language, we may be excluding a number of things that should be declared nuisances.

Rep. Miles also stated her opposition to the motion to amend. She said that this language just describes further what a public nuisance is.

The motion to amend failed.

Rep. Mercer moved to amend on page 2, line 14 following "NOTICE" by inserting "IN WRITING". He felt this language may help clarify this portion of the bill. The motion was seconded by Rep. O'Hara and carried unanimously.

Rep. Brown moved that HB 186 DO PASS AS AMENDED. The motion was seconded by Rep. Hammond, and the question called. The motion carried with Rep. Hannah and Cobb dissenting.

RECONSIDERATION OF HOUSE BILL NO. 210: Rep. O'Hara moved that HB 210 be brought off the table. It was seconded by Rep. Mercer. Rep. Brown stated his opposition to this motion. After a brief discussion, the motion to bring HB 210 off the table failed 8 to 8.

ACTION ON HOUSE BILL NO. 531: Rep. Addy moved that HB 531 DO PASS. The motion was seconded by Rep. Montayne. Rep. Addy further moved to amend this bill on page 3, line 19 by striking "license" and inserting "licensee". The motion was seconded by Rep. O'Hara and passed unanimously. Rep. Addy further moved that HB 531 DO PASS AS AMENDED. The motion was seconded by Rep. Montayne and carried unanimously.

ACTION ON HOUSE BILL NO. 413: Rep. Addy moved that HB 413 DO PASS. The motion was seconded by Rep. Rapp-Svrcek.

Rep. Addy moved to amend the bill as follows:

1. Title, line 4
Following: "REMOVING"
Strike: "COLLECTIVE" through "AND" on line 5.
Insert: "CERTAIN"

2. Page 2, following line 4.

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/8/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady			✓
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek			✓

STANDING COMMITTEE REPORT

February 8 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 186

SECOND reading copy (YELLOW color)

COUNTY ORDINANCE TO CONTROL COMMUNITY DECAY

Respectfully report as follows: That HOUSE Bill No. 186

be amended as follows:

1. Page 2, line 14.
Following: "NOTICE"
Insert: ", in writing,"

BEST COPY AVAILABLE

AND AS AMENDED,
DO PASS

REP. TOM HANNAH Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

CHAIRMAN--JACOBSON, JUDY
SECRETARY-GRAVELEY, ELAINE
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M-W-F TIME: 12:30-2:30 P.M.

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0107	1/19	1/25		CONCUR		1-25
MILLER, RON			REVISION OF ELECTROLOGY LAWS			
HB0113	1/18	1/25		CONCUR		1-25
MILES, JOAN			REQUIRING LABORATORIES TO REPORT CANCER DATA			
HB0114	1/28	3/11	3/13	CONCUR AS AMENDED		3-13
MILES, JOAN			DEPARTMENT OF HEALTH TO ADOPT SWIMMING POOL SAFETY STANDARDS			
HB0116	1/22	1/30	2/06	CONCUR		2-6
MILES, JOAN			REMOVE REQUIREMENT OF PERSON CERTIFIED IN WATER SAFETY FOR PRIVATE POOLS			
HB0119	1/18	1/25		CONCUR AS AMENDED		1-25
MILES, JOAN			TB CONTROL REVISION			
HB0141	1/23	1/30	2/04 2/06 2/08		FINANCE & CLAIMS	
MANUEL, REX			DEPARTMENT OF HEALTH ALLOWED TO CHARGE FOR SYPHILIS TESTS			
HB0142	1/22	1/30	2/04	CONCUR		2-4
MANUEL, REX			CONFORMING IN-STATE AND OUT-OF-STATE PREMARITAL SEROLOGY TEST TIME LIMITS			
HB0169	2/04	3/06		CONCUR		3-6
DONALDSON, GENE			HANDICAPPED PARKING PRIVILEGE FOR 100 PERCENT DISABLED VETERANS			
HB0180	1/26	2/08	3/06	CONCUR		3-6
REAM, BOB			AUTHORITY TO COMPEL COMPLIANCE WITH HAZARDOUS WASTE ACT			
HB0182	1/26	2/06	3/06	CONCUR		3-6
BERGENE, TONI R.			DELETE DHES APPROVAL OF LABS DOING BLOOD GROUP TESTS			
HB0186	2/13	3/13	3/15	CONCUR AS AMENDED		3-15
PISTORIA, PAUL G.			COUNTY ORDINANCE TO CONTROL COMMUNITY DECAY			

52

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

MARCH 13, 1985

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by chairman, Judy Jacobson on Wednesday, March 13, 1985 in Room 410 of the State Capitol at 12:30 p.m.

ROLL CALL: All members were present with the exception of Senator Lynch who arrived late. Karen Renne, staff researcher was also present.

There were many, many people in attendance. See attachments.

CONSIDERATION OF HOUSE BILL 720: Representative Jan Brown of Helena, the chief sponsor of HB 720, gave a brief resume of the bill. This bill is an act to establish an office of long-term care ombudsman within the office of the governor, to specify the powers and duties of the ombudsman; to impose certain requirements on long-term care facilities; to provide for access to and confidentiality of records; and providing an effective date.

Doug Blakely, the state ombudsman from the governor's office, stood in support of the bill. He stated that the ombudsman bill covers the operation of two advocacy programs for senior citizens, the Long-term Care Ombudsman Program and the Elderly Legal Services Developer Program. The program is currently administratively attached to the Governor's Office. Financial monitoring and overall grant monitoring is done by SRS, since they receive the federal funds for the program. Daily supervision is provided by the Board of Visitors, which is also attached to the Governor's Office. Basic duties include investigation and resolving complaints on the health, safety, welfare and rights of residents as well as cases of elder abuse, neglect or exploitation pertaining to long-term care residents; monitoring legislation, laws effecting long-term care residents; providing information to public agencies on long-term care issues; and promoting the development of citizen organizations in long-term care facilities. Mr. Blakely handed out fact sheets to the members of the Committee for their consideration. See attachments.

Molly Munro, Executive Secretary for the Montana Association of Homes for the Aging, stood in support of the bill. She stated that this bill provides that the office of long-term care ombudsman be placed in the Governor's office to give it greater autonomy. This is most necessary. Mrs. Munro handed in testimony for the Committee to consider. See attachments.

Senator Towe stated that according to page 3, section 5 of the bill, nursing homes are covered by federal law regarding the records.

Senator Himsl asked if the Board of Visitors also inspects the homes. They do not inspect the nursing homes.

Representative Brown closed.

CONSIDERATION OF HOUSE BILL 186: Representative Paul Pistoria of House District 36, the chief sponsor of House Bill 186, gave a brief resume of the bill. This bill is an act allowing passage of county ordinances to control community decay caused by accumulation of rubble and providing an immediate effective date.

He handed out an amendment which was being proposed by Representative Sales which would exempt the farmers and ranchers from this bill. See attachments.

Representative Pistoria handed out some copies of pictures of the problem that they are facing in Cascade County. See attachments.

This bill would give the counties the authority to pass an ordinance which would control cummunity decay. Community decay is a public nuisance created by allowing rubble, debris, junk, or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive, to the senses, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property.

Jim Leitner, representing the Department of Health and Environmental Sciences, stood in support of the bill. He stated that the Department has been receiving letters of complaints and perhaps this bill would help the situation.

Ron Miller of Great Falls stood in support of the bill. He told of an example that had occurred near his home on the outskirts of Great Falls. The counties should have the jurisdiction.

With no further proponents, the chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee. Hearing none, Representative Pistoria closed. He stated that this bill does not cost state government anything. He urged the Committee to give the bill favorable consideration.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/13/85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V.CHAIRMAN	late		
42	SENATOR TOM HAGER	✓		
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	✓		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	✓		

Each day attach to minutes.

DATE _____

COMMITTEE ON _____

BEST COPY AVAILABLE

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Edith A Foster	Cosmetology	563	✓	
DANI SAGISSOR	COSMETOLOGY	563	✓	✓
Catherine M Weber	"	563	✓	✓
[illegible]	"	563	✓	✓
Shirley Miller	Dept of Commerce	561 563	No Opposition	
Marty Munro	MONTANA	720	✓	
Debby Blattberg	St Coalition Rep	720	✓	
Jim Lester	Mont. Dept of Health	196	✓	
Mike Micken	SRS	SB310	✓	
Steve Davis	Developmental Disabilities Coalition	HB 310	✓	
Steve Davis	Cosmetologist	561 563	✓	

(Please leave prepared statement with Secretary)

54

LAW FOR STATE ONLY.

(b) compliance with the rules from which a variance is sought would produce hardship without producing benefits to the health and safety of the public that outweigh the hardship.

(2) No variance may be granted pursuant to this section except after a hearing pursuant to the Montana Administrative Procedure Act and consideration by the board of the relative interests of the applicant and owners of the property likely to be affected by the waste disposal system under consideration.

(3) Nothing in this section may be construed as relieving the board from the obligation to comply with the Resource Conservation and Recovery Act of 1976, as amended, or as allowing the board to grant a variance less restrictive than that act.

History: En. Sec. 1, Ch. 563, L. 1981.

USE FOR H.B. 186

Pretoria

75-10-207 through 75-10-210 reserved.

75-10-211. Repealed. Sec. 30, Ch. 358, L. 1981.

History: En. Sec. 5, Ch. 35, L. 1965; amd. Sec. 2, Ch. 349, L. 1969; amd. Sec. 109, Ch. 349, L. 1974; amd. Sec. 6, Ch. 542, L. 1977; R.C.M. 1947, 69-4005.

NOTE

75-10-212. Disposal in unauthorized area prohibited — exception. (1) No person may dispose of solid waste except as permitted under this part.

(2) It shall be unlawful to dump or leave any garbage, dead animal, or other debris or refuse:

(a) in or upon any highway, road, street, or alley of this state;

(b) in or upon any public recreational property, highway, street, or alley under the control of the state of Montana or any political subdivision thereof or any officer or agent or department thereof;

(c) within 200 yards of such public highway, road, street, or alley or public recreational property;

(d) on privately owned property where hunting, fishing, or other recreation is permitted, provided this subsection shall not apply to the owner, his agents, or those disposing of debris or refuse with the owner's consent.

History: (1)En. Sec. 3, Ch. 35, L. 1965; amd. Sec. 4, Ch. 542, L. 1977; Sec. 69-4003, R.C.M. 1947. (2)En. Sec. 11-110, Ch. 197, L. 1965; amd. Sec. 1, Ch. 112, L. 1969; Sec. 32-4410, R.C.M. 1947; R.C.M. 1947, 32-4410(1), 69-4003; amd. Sec. 4, Ch. 358, L. 1981.

Compiler's Comments

1981 Amendment: Deleted "or transport hazardous waste" after "dispose of solid waste" in (1).

Cross-References

Game wardens — duty to enforce, 87-1-504, 87-1-505.

75-10-213. Unlawful disposition of dead animals — exception. It is unlawful to:

(1) place all or any part of a dead animal in any lake, river, creek, pond, reservoir, road, street, alley, lot, or field;

(2) place all or any part of a dead animal within 1 mile of the residence of any person unless the dead animal or part of a dead animal is burned or buried at least 2 feet underground; or

(3) being the owner, permit all or any part of a dead animal to remain in the places specified in subsections (1) and (2) of this section except as provided in subsection (2) of this section.

Hist[illegible] En. S[illegible] Ch. [illegible] 196[illegible] M. 1[illegible] 9-451[illegible] d. Sec[illegible] Ch. 68[illegible] 979.

75-10-214. Exclusions — exceptions to exclusions. (1) This part may not be construed to prohibit a person from disposing of his own solid waste upon land owned or leased by that person or covered by easement or permit as long as it does not create a nuisance or public health hazard.

(2) The exclusion contained in subsection (1) of this section does not apply to a division of land of 5 acres or less made after July 1, 1977, which falls within the definition of subdivision in Title 76, chapter 4, part 1, or the Montana Subdivision and Platting Act in Title 76, chapter 3.

History: En. Sec. 8, Ch. 35, L. 1965; amd. Sec. 4, Ch. 349, L. 1969; amd. Sec. 9, Ch. 542, L. 1977; R.C.M. 1947, 69-4008(1) thru (3), (5); amd. Sec. 12, Ch. 68, L. 1979; amd. Sec. 5, Ch. 358, L. 1981.

Compiler's Comments

1981 Amendment: Deleted "except hazardous waste" after "solid waste" in (1); deleted former subsection (1)(b) relating to a person disposing of his own hazardous waste; deleted former subsection (2) which removed the transportation of marketable hazardous waste from licensing requirements.

Cross-References

Private nuisance, 27-30-102.
Public nuisance, 27-30-102, 45-8-111.

75-10-215 through 75-10-220 reserved.

75-10-221. License required — application. (1) Except as provided in 75-10-214, no person may dispose of solid waste or operate a solid waste management system without a license from the department.

(2) The department shall provide application forms for a license as provided in this part.

(3) The application shall contain the name and business address of the applicant, the location of the proposed solid waste management system, plan of operation and maintenance, and such other information as the department may by rule require.

History: En. Sec. 4, Ch. 35, L. 1965; amd. Sec. 1, Ch. 349, L. 1969; amd. Sec. 109, Ch. 349, L. 1974; amd. Sec. 5, Ch. 542, L. 1977; R.C.M. 1947, 69-4004(1); amd. Sec. 6, Ch. 358, L. 1981.

Compiler's Comments

1981 Amendment: Deleted "hazardous waste" after "solid waste or" in (1); deleted "or transport hazardous waste" after "management system" in (1).

75-10-222. Notification and validation by local health officer. (1) When the department receives an application for a license pursuant to the provisions of this part, the local health officer in the county where the solid waste management system will be located shall be notified in writing of the application within 15 days after the department has received the application.

(2) If the department decides to issue a license pursuant to the provisions of this part, the department shall notify the local health officer in writing.

(3) A license issued by the department under this section shall not be valid until signed by the local health officer having jurisdiction in the county in which the solid waste management system will be operated.

(4) The local health officer shall, within 15 days after the department has notified the local health officer of its decision to issue a license under this part, make a final decision on whether the license will be validated.

Hist[illegible] En. Sec. 4, Ch. [illegible] 35, L. 1965; amd. Sec. [illegible] 1, Ch. 349, L. 1969; amd. Sec. 109, Ch. 349, L. 19[illegible] nd. S[illegible] Ch. 5[illegible] 1977, [illegible] M. 19[illegible] -4004[illegible]

Taken - Thur - May 10, 1984 on Wire Mill Road a County Rd. to Dump - Ft Falls, - Paul S. Pistoria
Virginia also a residential area.

USE FOR H.B. 186

XEROXED from Pictures

co Road

BEST COPY AVAILABLE

Taken - Thurs. May 10, 1984 on new Mill Road
to Deer Lake - Paul L. Pistoria

Co. Road

BEST COPY
AVAILABLE

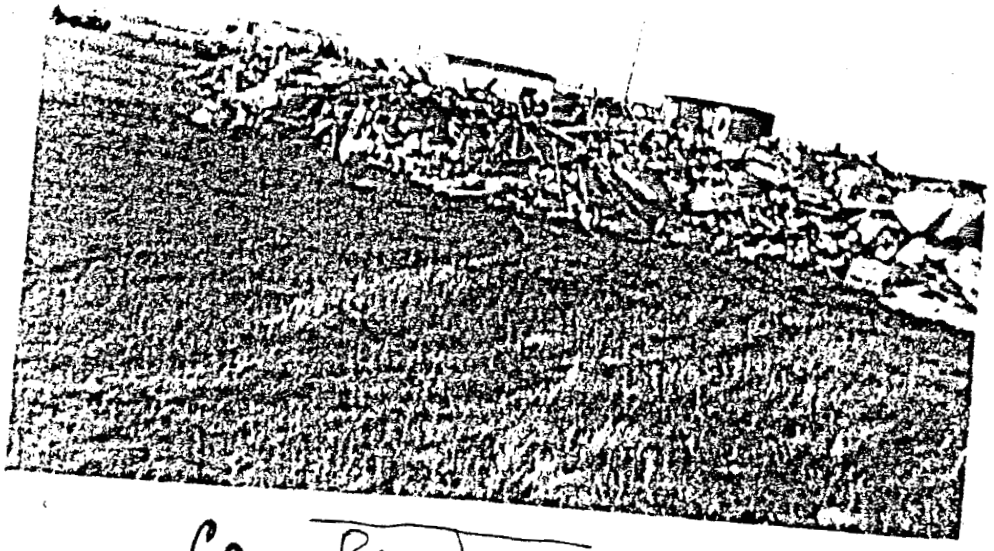
Taken - Thur. May 10, 1984 on wire mill Road
to Dempsey Falls - Paul D. Pistoria

BEST COPY
AVAILABLE

Co. Road

Taken - Thurs. May 10, 1984 on Wire Mill Road to Dump - St. Falls - Paul L. Pistoria

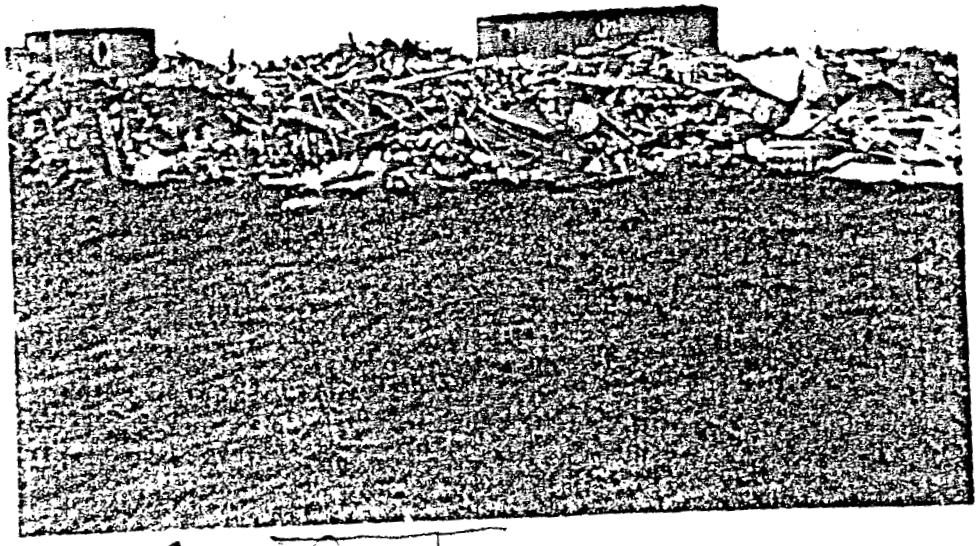
BEST COPY
AVAILABLE



Co. Road

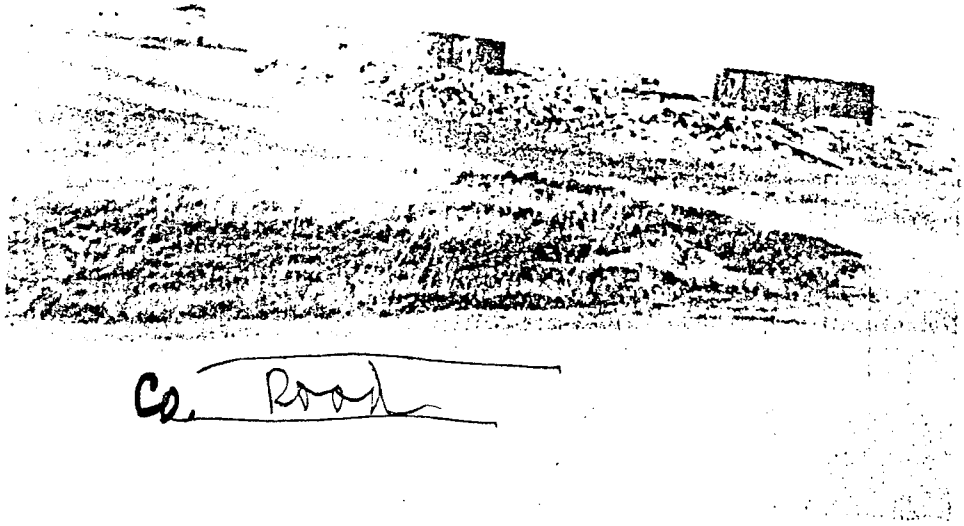
Taken on tour - May 10, 1984 on Wire Mill Road
Camp Lt. Falls - Paul Z. Pistoria

BEST COPY
AVAILABLE



CO Road

Taken Thur. May 10, 1984 on Wire Mill Road to Dump Ft. Fills - Paul L. Pistoria

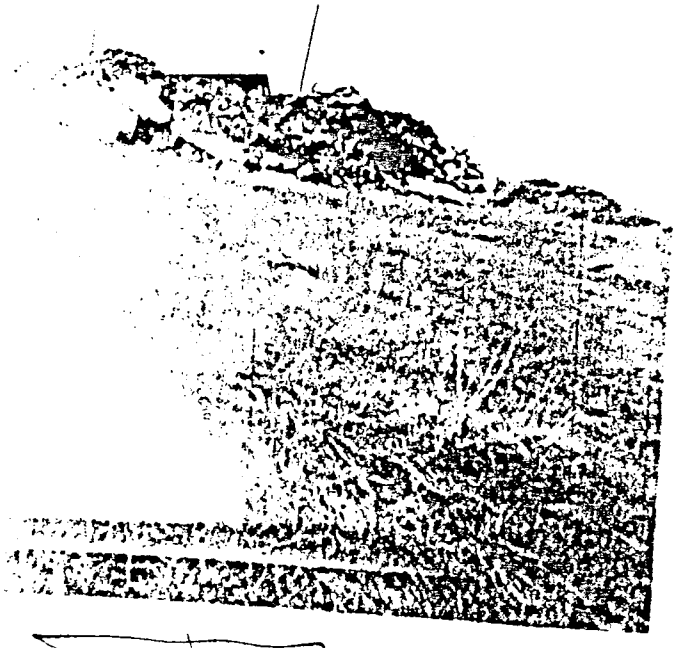


Co. Road

BEST COPY AVAILABLE

Taken Thurs. May 10, 1984 on Mill Road to Dump Lt. Falls - Paul D. Pistoria

BEST COPY
AVAILABLE



Co. Road

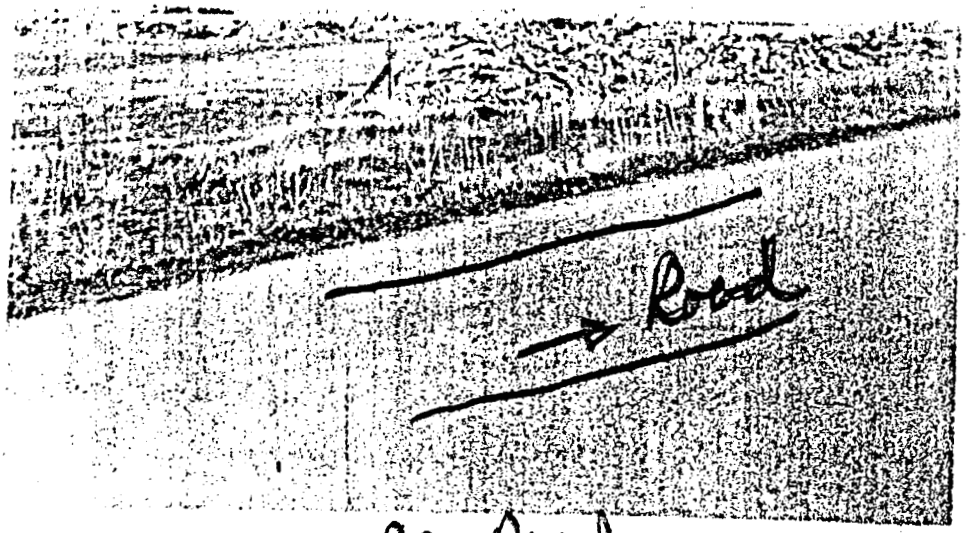
Taken - Thur - May 10, 1984 on wire Road to Deerpk - Lt. Falls - Park St. Victoria

BEST COPY
AVAILABLE

Co. Road

Taken There - May 10, 1984 on wire Mill Road
to Dump - Ft. Fills - Paul L. Pistoria

BEST COPY
AVAILABLE



CO Road

Taken - Thur - May 10, 1984 on Wire Mill Road
to dump - Gt. Falls. Paul D. Pistoria

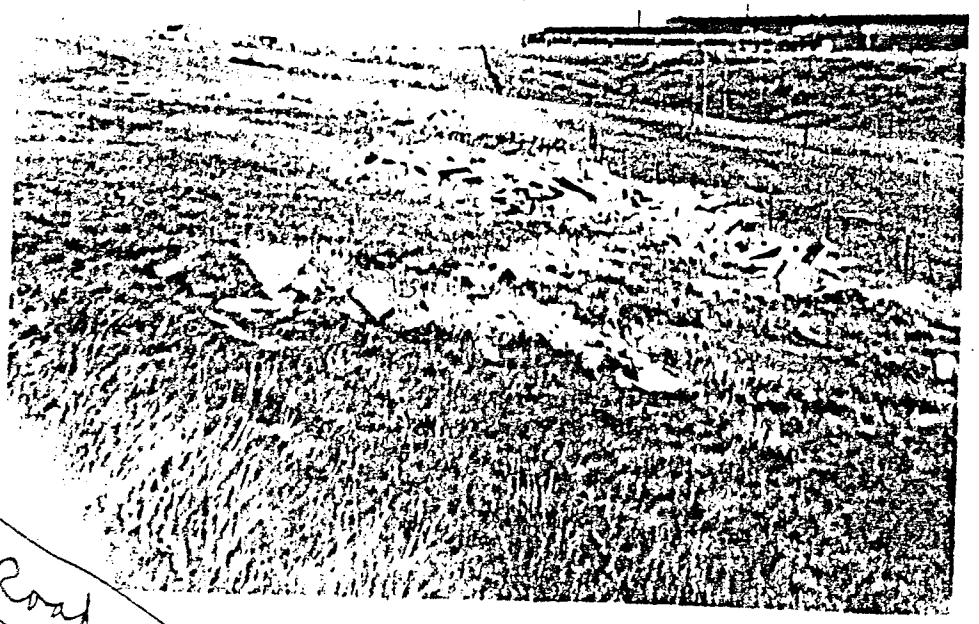
BEST COPY
AVAILABLE

Barrel Pile
of Road

Taken - Thur - May 10, 1984 on Wire Road to Dump - Ft. Falls - Paul & Victoria

BEST COPY
AVAILABLE

A.C.M Wire Mill Bldg.

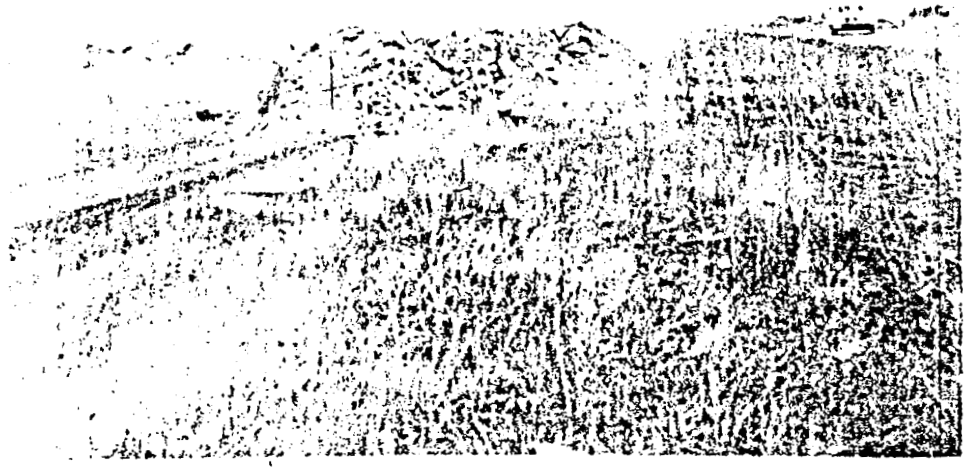


Concrete Blocks & chunks

Road

Taken - Thur - May 10, 1984 on the wire Mill R to Dump. St. Falls - Paul A. Pistoria

BEST COPY
AVAILABLE



MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

MARCH 15, 1985

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Judy Jacobson on Friday, March 15, 1985 in Room 410 of the State Capitol at 12:30.

ROLL CALL: All senators were present with the exception of Senator Lynch who was excused. Senators Towe and Newman arrived late. Karen Renne, staff researcher, was also present.

There were many visitors in attendance. See attachments.

ACTION ON HOUSE BILL 186: Representative Paul Pistoria of Great Falls is the chief sponsor of HB 186 which is an act allowing passage of county ordinances to control community decay caused by accumulation of rubble and providing an immediate effective date.

A motion was made by Senator Himsl to adopt the proposed amendments which would exempt farming and ranching from the bill. Motion carried.

A motion was made by Senator Himsl that HB 186 BE CONCURRED IN AS AMENDED. Motion carried with all present voting "yes" with the exception of Senator Hager, who voted "no".

DISCUSSION ON HOUSE BILL 743: Representative Ron Miller of Great Falls in the sponsor of HB 743. This bill is an act to clarify the subrogation rights of the Department of Social and Rehabilitation Services regarding the provisions of medical benefits on behalf of a person for whom a third party is liable.

Senator Himsl asked that the Committee pass HB 743 for the day as he is waiting for more information. The chairman stated that the committee would pass consideration for the day on HB 743.

ACTION ON HOUSE BILL 737: Representative Toni Bergene of Great Falls is the chief sponsor of HB 737. This is an act permitting a county attorney or county welfare department to convene adult protective service teams to assist older persons who are victims of abuse, neglect, or exploitation; permitting disclosure of reports filed under the Montana Elder Abuse Prevention Act to such teams.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/15/85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
6	SENATOR JUDY JACOBSON, CHAIRMAN	✓		
5	SENATOR J. D. LYNCH, V.CHAIRMAN			✓
42	SENATOR TOM HAGER	✓		
30	SENATOR MATT HIMSL	✓		
17	SENATOR TED NEWMAN	late		
45	SENATOR BILL NORMAN	✓		
14	SENATOR STAN STEPHENS	✓		
26	SENATOR TOM TOWE	late		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 15, 19 35

MR. PRESIDENT

We, your committee on SENATE PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL No. 186

THIRD reading copy (BLUE color)

COUNTY ORDINANCE TO CONTROL COMMUNITY DECAY

PISTORIA (MINSL)

Respectfully report as follows: That HOUSE BILL No. 186

be amended as follows:

1. Page 1, line 10.
Following: "Definition."
Insert: "(1)"

2. Page 1, line 18.
Following: "PROPERTY."
Insert: "(2) "Community decay" as used in this act may not be construed or defined to apply to normal farming, ranching, or other agricultural operations, or to a farm, ranch, or other agricultural facility, and any appurtenances thereof, during the course of its normal operations."

DO PASS

~~DO NOT PASS~~ AND AS AMENDED
BE CONCURRED IN

SENATOR JUDY JACOBSON Chairman.

70

HOUSE BILL NO. 186

INTRODUCED BY PISTORIA

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING PASSAGE OF COUNTY ORDINANCES TO CONTROL COMMUNITY DECAY CAUSED BY ACCUMULATION OF RUBBLE ~~FROM DEMOLITION OF STRUCTURES~~; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definition. (1) In [this act], "community decay" means a public nuisance created by ~~demolition of a structure, either by human agency or by natural forces, that results in accumulation or abandonment of rubble, debris, or refuse~~ ALLOWING RUBBLE, DEBRIS, JUNK, OR REFUSE TO ACCUMULATE RESULTING IN CONDITIONS THAT ARE INJURIOUS TO HEALTH, INDECENT, OFFENSIVE TO THE SENSES, OR OBSTRUCT THE FREE USE OF PROPERTY SO AS TO INTERFERE WITH THE COMFORTABLE ENJOYMENT OF LIFE OR PROPERTY.

(2) "COMMUNITY DECAY" AS USED IN [THIS ACT] MAY NOT BE CONSTRUED OR DEFINED TO APPLY TO NORMAL FARMING, RANCHING, OR OTHER AGRICULTURAL OPERATIONS OR TO A FARM, RANCH, OR OTHER AGRICULTURAL FACILITY, AND ANY APPURTENANCES THEREOF, DURING THE COURSE OF ITS NORMAL OPERATIONS.

Section 2. Control of community decay. (1) The governing body of a county may regulate, control, and prohibit conditions that contribute to community decay on or adjacent to any public roadway ~~or land~~ within the county by adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107.

(2) An ordinance adopted under subsection (1) may include time limits for removal or shielding of such conditions as considered appropriate by the governing body.

(3) Nothing in this section restricts the governing body from enacting community decay controls affecting only portions of the county.

(4) Nothing in [this act] may be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution that is more restrictive than the provisions of [this act].

(5) ~~Violation of an ordinance adopted under subsection (1) is a misdemeanor punishable as provided in 46-18-212.~~ FOR THE PURPOSES OF ENFORCING AN ORDINANCE ADOPTED UNDER SUBSECTION (1), THE COUNTY GOVERNING BODY MAY PROVIDE THAT, AFTER GIVING DUE NOTICE, IN WRITING, OF VIOLATION AND UPON THE FAILURE OF THE PROPERTY OWNER TO COMPLY WITH THE ORDINANCE, OFFICERS AND EMPLOYEES OF THE COUNTY MAY ENTER UPON THE PROPERTY FOR THE SPECIFIC PURPOSE OF ABATING THE VIOLATION OF THE ORDINANCE AND MAY ASSESS THE PROPERTY OWNER FOR THE ACTUAL COSTS FOR THE ABATEMENT. NONPAYMENT OF SUCH AN ASSESSMENT BECOMES A LIEN UPON THE PROPERTY AND IS

ENFORCEABLE IN THE SAME MANNER AS THE NONPAYMENT OF PROPERTY TAXES IS ENFORCED.

Section 3. Effective date. This act is effective on passage and approval.

-End-